



Food & Dairy Division

Questions and Answers on

Consumer Advisories

for Food Establishments
Serving Undercooked Foods



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Number of copies printed;20,000; Total cost: \$691.00; Cost per copy: \$.069

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Consumer Advisories on Food

What is a consumer advisory on food?

A consumer advisory is a publicly posted reminder informing consumers that a ready-to-eat food of animal origin is raw, undercooked, or not otherwise processed to eliminate disease causing organisms, and the food therefore poses a significant risk. A consumer advisory consists of a disclosure and a reminder placed on the selection information, which is whatever consumers read to make their order selections.

Why are consumer advisories on food needed?

Animal-based foods such as meat, poultry, fish, shellfish, and eggs, **when eaten raw or undercooked** may contain harmful viruses and bacteria. These foods pose a significant risk of foodborne illness.

The Food Code, adopted as part of the Michigan Food Law 2000, allows the operator to make a choice between serving food that has been cooked to a safe temperature and serving food that poses a significant risk provided the consumer is informed of the risk through a “Consumer Advisory”.

Does every food establishment need a consumer advisory?

No. Only food establishment operators who choose to serve raw or undercooked foods of animal origin are required to have a consumer advisory. Further, beef steak that is labeled as “whole-muscle intact beef” whereby the top and bottom surfaces are cooked to achieve a color change (145 degrees F) does not require a consumer advisory.

What definitions do food establishments need to know?

Disclosure means a written identification as to which foods of animal origin:

- a. Are or can be ordered raw or undercooked in their entirety, **or**
- b. Contain ingredients of animal origin that are raw or undercooked.

Reminder means a written notice concerning the significant health risk of consuming raw or undercooked animal foods.

Publicly Available means accessible to consumers, without consumers having to request it, before placing food orders or making selections.

Selection Information means whatever consumers read to make their order selections, such as a menu, table tent, placard, chalkboard, or other written means. The selection information will be referred to as a menu in this brochure.

NOTICE

Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have a medical condition.

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4. Brochure option

The United States Food and Drug Administration model consumer advisory brochure (<http://www.cfsan.fda.gov/~dms/fsrawhaz.html>), or equivalent, must be publicly available. In food establishments where the only raw, ready-to-eat food items sold or served are shellstock or shucked molluscan shellfish, the Interstate Shellfish Sanitation Conference (ISSC) written brochure for raw oysters and clams (http://www.issc.org/EDU/pamphlets/RISK_EATING_RAW_OYSTERS_CLAMS.html) constitutes satisfactory compliance. In such cases, the ISSC brochure must be made publicly available.

Note: When using a “Publicly Available Brochure”, food items that have been described to include the disclosure (i.e. raw oysters) do not require an asterisk.

How long do I have to comply with posting consumer advisories?

The consumer advisory is a critical item. The Food Code, adopted as part of the Michigan Food Law 2000, requires critical violations to be corrected within 10 days. However, a facility may be granted more time by the inspection agency upon request.

Can you show me some examples?

There are several disclosure and reminder combinations that can be used. The following examples show some of the options.

Disclosure and Reminder to a Footnote Example

MENU	
<u>Hamburgers*</u>	
Cheeseburger	Olive Burger
Bacon Burger	Hamburger Deluxe
* Can be cooked to order: Regarding the safety of these items, written information is available upon request	

Disclosure as a Description / Reminder as a Notice Example

MENU
Chef's Salad
Spinach Salad
Caesar Salad (contains raw eggs)
NOTICE: Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness

FONT SAMPLES

11 point, 36 pt., 44 pt.

What is the general format for the consumer advisory?

A consumer advisory consists of a disclosure and a reminder. Unless indicated otherwise:

- The language (English, Spanish, Chinese, etc) for the menu must match the language used for the disclosure and reminder. Additional languages may also be used if desired.
- The text size must be visually equivalent to or at least 11 point font or visually equivalent to the font size of the menu item descriptions.
- The text color must provide a clear contrast to the background.

The NOTICE on the following page can copied and posted in your establishment.

How do I get started?

Step #1

Assess the level of risk you are willing to pass to your customers.

- Review your menu to determine which foods of animal origin are being served in a ready-to-eat raw or undercooked form. Ask yourself if it is possible to eliminate or reduce the number of entrees that are served raw or undercooked or if there are alternatives (whole muscle intact beef steak instead of “pinned” meat).

Step #2

Write the disclosure on the menu.

- First identify each food item that requires a disclosure (foods of animal origin that can be ordered raw or undercooked in their entirety or contain such ingredients that are raw or undercooked).
- The disclosure can be made using one or both of the following methods:
 - a. Each item can include the disclosure, that the food item is, or contains, a raw or undercooked animal food. Examples include “Raw oysters on the half shell”, “Raw egg Caesar Salad”, “Hamburgers can be undercooked to order” or “Eggs can be cooked to order” **and/or**
 - b. You can place an asterisk next to the food item requiring disclosure, directing the reader to a footnote on the bottom of the page where the menu item appears. The footnote must indicate that asterisked items are served raw or undercooked; contain or may contain raw or undercooked ingredients; or may be requested undercooked; or can be cooked to order.
- When the menu has a section of common food items that may be served raw or undercooked such as “Hamburgers”, you can provide one disclosure for the entire section such as “Our hamburgers can be cooked to order”. It is not necessary to provide a disclosure for each individual item within the section such as cheeseburgers, bacon burgers, mushroom burgers, etc.
- Table tents, placards, or chalkboards that are used exclusively for listing daily specials are exempt from the consumer advisory when those items appear on the primary menu.

Step #3

Write the reminder

- Finally you will need to select one of the following four types of reminders for informing the consumer of the significantly increased risk associated with eating foods in a raw or undercooked form.

What are the reminder options?

1. Footnote option:

You must place an asterisk alongside items requiring disclosure on the menu information directing the reader to a footnote on the bottom of each page that states one of the following reminder statements verbatim:

- a. *Regarding the safety of these items, written information is available upon request.*
- b. *Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness.*
- c. *Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have a medical condition.*

Note: If “a” is selected, the preferred written information is the United States Food and Drug Administration’s model consumer advisory brochure. However, a written statement using either statement “b” or “c” above constitutes compliance.

2. “Notice” option:

You must place a “Notice” using one of the following two statements verbatim either on the first interior page of the menu or on the page where the first item requiring disclosure appears.

- a. *Notice: Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness,*
- b. *Notice: Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have a medical condition.*

3. Placard option

The placard must:

- a. Be titled “NOTICE” using capital letters in bold Arial font with a size not less than 44 point.
- b. Contain one of the reminders verbatim listed in 1(b) and (c) using a font size not less than 36 point.
- c. Be written so that all letters in the placard are equally readable.
- d. Maintain visibility in layout, format, and graphics in contrast to other posted materials.
- e. Be posted near each customer entrance and be clearly visible.
- f. Be placed at eye level and be easily readable from where customers would normally stand to read it.